

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**DEBORAH KAY ELDER,**

**Plaintiff,**

**vs.**

**Case No.: 2:15-cv-2740  
JUDGE GEORGE C. SMITH  
Magistrate Judge Jolson**

**CAROLYN W. COLVIN, ACTING  
COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

**ORDER**

On July 22, 2016, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's statement of errors be overruled and that judgment be entered in favor of the Defendant, the Commissioner of Social Security. (*See Report and Recommendation*, Doc. 18). This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's *Report and Recommendation*. (Doc. 21). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff's objections primarily restate the arguments she previously asserted in the Statement of Errors, including that the Administrative Law Judge failed to follow the requirements of SSR 96-7 and 20 C.F.R. § 404.1529(c)(3) in finding that Plaintiff's subjective allegations were not credible. Plaintiff argues that the Magistrate Judge erred in relying on and accepting arguments made by the Commissioner of Social Security that were not evidence. This objection, however, is not a new challenge and was carefully considered by the Magistrate Judge in the *Report and Recommendation*. The Magistrate Judge noted that the ALJ followed

the appropriate law in evaluating Plaintiff's credibility regarding subjective allegations. (*Report and Recommendation* at 9). The Magistrate Judge concluded that "[b]ecause the ALJ expressly stated that she had considered the relevant factors and there is no indication that she failed to do so, Plaintiff's first argument is without merit." (*Id.* at 9-10).

The Court has carefully considered all of Plaintiff's arguments raised in her Statement of Errors and the Objections to the Magistrate Judge's *Report and Recommendation*. The Court agrees with the Magistrate Judge's analysis of the issues raised. For the reasons stated in the well-reasoned *Report and Recommendation*, this Court finds that the objections are without merit.

Based on the aforementioned and the detailed *Report and Recommendation*, the Court finds that Plaintiff's issues, and her specific objections, have been thoroughly considered. Accordingly, the *Report and Recommendation*, Document 18, is **ADOPTED** and **AFFIRMED**. Plaintiff's Objections are hereby **OVERRULED**. Plaintiff's Statement of Errors is hereby **OVERRULED**, and the decision of the Commissioner of Social Security is **AFFIRMED**.

The Clerk shall remove Documents 18 and 21 from the Court's pending motions list, and enter final judgment in favor of Defendant, the Commissioner of Social Security.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**